

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

EDWIN WAYNE JOYCE,)	
)	
Plaintiff,)	
)	
v.)	1:23-cv-457
)	
WARDEN BRAY,)	
)	
Defendant.)	

ORDER

This matter is before the court for review of the Order and Recommendation ("Recommendation") filed on June 21, 2023, by the Magistrate Judge in accordance with 28 U.S.C. § 636(b). (Doc. 3.) The Recommendation was served on the Plaintiff on June 21, 2023. (Doc. 4.) Plaintiff has filed a supplemental filing to his complaint, (Doc. 5), and a letter request to "dismiss Warden Bray case," which the court construes as an objection to the Recommendation, (Doc. 6).

This court is required to "make a de novo determination of those portions of the [Magistrate Judge's] report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1). This court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the [M]agistrate [J]udge . . . [O]r recommit the matter to the [M]agistrate [J]udge with instructions."


This court has appropriately reviewed the Recommendation and Plaintiff's filings and has made a de novo determination which is in accord with the Magistrate Judge's Recommendation. This court therefore adopts the Recommendation. In light of this order adopting the Recommendation and dismissing this action without prejudice, Plaintiff's request to "dismiss Warden Bray case," is denied as moot.

IT IS THEREFORE ORDERED that the Magistrate Judge's Recommendation, (Doc. 3), is **ADOPTED. IT IS FURTHER ORDERED** that this action be filed, and is hereby, **DISMISSED** without prejudice to Plaintiff filing a new action on the proper forms, which corrects the defects cited in the Magistrate Judge's Order and Recommendation.

IT IS FURTHER ORDERED that Plaintiff's request to "dismiss Warden Bray case," (Doc. 6), is **DENIED AS MOOT.**

A Judgment dismissing this action will be filed contemporaneously with this Order.

This the 10th day of July, 2023.


United States District Judge